

Remarks:

First, Applicants wish to thank Examiner Jen for the telephone conference on Feb. 29, 2008 in which Examiner Jen kindly explicated his perspective for the restriction requirement. In light of the telephone conference, the restriction requirement is respectfully submitted to be improper. The restriction requirement requested that Applicants elect a Group and a Species for prosecution on the merits. Should this position be maintained by the Examiner, Applicants provisionally elect Species VII represented by paragraphs 0046-0047, *with traverse*. There appears to be no direct correlation between the Groups identified by the Examiner and the Species identified by the Examiner. Referring simply to paragraph numbers makes it unclear as to what the Examiner considers as the patentable distinctions between each Species, thus the Examiner has not provided adequate reasons for insisting upon a restriction between Species as required per MPEP 808.

For example, referring to paragraphs 0031 and 0034 as separate Species does not appear to make sense. Paragraph 0031 states: "The pre-collision vehicle condition signals 4 in the illustrative embodiment are supplied from the vehicle identification read only memory (ROM) (referred to as stored vehicle identification data 26), onboard sensors 22 and optionally a GPS 18." Paragraph 0034 provides additional information about the on-board sensors 22, stating: "The on-board sensors 22 in the illustrative embodiment supply the vehicle dynamics computer 20 with vehicle onboard sensor data 23 representing information such as speed, acceleration, yaw rate, steering wheel position, braking status, throttle position, and transmission status."

It is respectfully suggested that the Examiner re-evaluate his classification of the claims to ease his search burden. Perhaps searching in class 701/301 would more closely align to the claimed subject matter in the application. In the event of reconsideration by the Examiner, Applicants respectfully request reinstatement of the non-elected claims.

The requirements for restriction being the only issue raised in the present Office Action, this paper is fully responsive to the same. Applicants hereby reserve the right to file a divisional application for any non-elected subject matter in this application.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Response, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,
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Date: March 7, 2008